

Notice of Allowability

Application No.

09/890,413

Examiner

Steven H VerSteeg

Applicant(s)

SIDDLE, JOHN ROBERT

Art Unit

1753

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to response filed November 7, 2003.
2. ☒ The allowed claim(s) is/are 1, 3-18 and 20.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No. _____.
 - (b) ☐ including changes required by the proposed drawing correction filed _____, which has been approved by the Examiner.
 - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the margin according to 37 CFR 1.121(d).

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1 <input type="checkbox"/> Notice of References Cited (PTO-892) | 5 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____ |
| 3 <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No. _____ | 7 <input type="checkbox"/> Examiner's Amendment/Comment |
| 4 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9 <input type="checkbox"/> Other |

Steven H VerSteeg
Primary Examiner
Art Unit: 1753

DETAILED ACTION

Response to Amendment

1. The 103(a) rejection of claims 1, 3-13, 17, 18, and 20 over US 5,837,361 to Glaser et al. (Glaser) in view of US 6,010,614 to Keskar et al. (Keskar) presented in the office action mailed May 8, 2003 is withdrawn in light of Applicant's arguments.
2. The 103(a) rejection of claims 14-16 over US 5,837,361 to Glaser et al. (Glaser) in view of US 6,010,614 to Keskar et al. (Keskar) as applied to claim 1 above, and further in view of US 6,398,925 B1 to Arbab et al. (Arbab) presented in the office action mailed May 8, 2003 is withdrawn in light of Applicant's arguments.
3. The double patenting rejection over U.S. Patent No. 6,540,884 B1 presented in the office action mailed May 8, 2003 is withdrawn in light of Applicant's arguments. In particular, the patent claims the oxygen scavenger when depositing the metal oxide layer. There is no claim in the patent to using an oxygen scavenger when depositing the reflective metal layer.

Allowable Subject Matter

4. Claims 1, 3-18, and 20 are allowed.
5. The following is an examiner's statement of reasons for allowance: it is neither anticipated nor obvious over the prior art of record to have a process for the production of a coated substrate as claimed by Applicant in claim 1 comprising depositing a reflective metal layer by a low pressure deposition process performed in a coating atmosphere containing a gaseous oxygen scavenger other than hydrogen.
6. Glaser discloses a multilayer stack produced by sputtering comprising bismuth oxide with silver deposited thereon over a glass substrate (Example Embodiment 1). Glaser utilizes

hydrogen in the atmosphere. Glaser does not disclose the function of the hydrogen gas.

Specifically, Glaser does not disclose that the hydrogen is a gaseous oxygen scavenger.

7. Keskar discloses that hydrogen and methane are interchangeable oxygen scavenger gases (col. 2, 1. 33-39).

8. There is no reason to change the hydrogen in Glaser to methane unless one knows that the hydrogen is functioning as an oxygen scavenger. The only way that one would know that the hydrogen is functioning as an oxygen scavenger in Glaser is to look at Applicant's disclosure and utilize hindsight reasoning. Therefore, Applicant's claimed invention is not obvious.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

General Information

For general status inquiries on applications not having received a first action on the merits, please contact the Technology Center 1700 receptionist at (703) 308-0661.

For inquiries involving Recovery of lost papers & cases, sending out missing papers, resetting shortened statutory periods, or for restarting the shortened statutory period for response, please contact Palestine Jenkins at (703) 308-3521.

For general inquiries such as fees, hours of operation, and employee location, please contact the Technology Center 1700 receptionist at (703) 308-0661.

Special Notice Regarding PTO Relocation to Alexandria, Virginia


During December 2003, the USPTO will begin its relocation to the Carlyle facility in Alexandria, Virginia. I am scheduled to move at some point in December 2003. At that time, my phone number will change. My new phone number will be (571) 272-1348. If you need to speak with me during December 2003, I recommend first calling my old area code 703 phone number. If that number has been disconnected, then try the new area code 571 phone number. Beginning January 2003, please discontinue use of the area code 703 phone number.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven H VerSteeg whose telephone number is (703) 305-4473. The examiner can normally be reached on Mon - Thurs (7:30 AM - 6:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nam X Nguyen can be reached on (703) 308-3322. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9310.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.


Steven H VerSteeg
Primary Examiner
Art Unit 1753

shv
December 9, 2003